

RECEIVED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

☐ Eastern (Jackson) DIVISION
☒ Western (Memphis) DIVISION

2021 OCT -1 PM 1:45

THOMAS M. COULT
CLERK, U.S. DISTRICT COURT
TNWD OF TN MEMPH

Jerome Graves

Plaintiff,

vs.

FEDEX Corporation

Defendant.

No. _____

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

P.O. Box 1382
STREET ADDRESS
Crittenden Arkansas 72301 901 335-4175
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

942 S Shady Grove Rd
STREET ADDRESS
Shelby Memphis TN 38120
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

5. The address at which I sought employment or was employed by the defendant(s) is:

3131 Democrat Rd

STREET ADDRESS
Shelby, Memphis, TN, 38118
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes *(check only those that apply)*

- ☐ Failure to hire
- ☐ Termination of my employment
- ☐ Failure to promote
- ☐ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☐ Retaliation
- ☒ Other acts *(specify): Sexual Harassment*
Constructive Discharge

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

Date(s)

8. I believe that the defendant(s) *(check one)*:

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.)

☐ Race _____

☐ Color _____

☒ Gender/Sex Male Sexual Harassment

☐ Religion _____

☐ National Origin _____

☐ Disability _____

☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was [] more [] less than 40 years old. (check one)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

SEE Attached

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the

10 Pro Se Lawsuit Facts

- a. I was hired on April 16, 2020, with the Defendant as a material handler, package.
- b. I returned back to work on the 21st of April, and I noticed that all through the day Donald Kirkland came to my work area watching me.
- c. There are videos and cameras that are witness.
- d. I told him (Donald) that we need to go to Human Resources and get me moved so he said to me where else to I want to go.
- e. I told Donald that I will go outside and clean up outside.
- f. Donald told me that he will have to be my manager.
- g. On July 30, 2020, Donald Kirkland said to me that it looked like I had a nice day off with my sexy self.
- h. Donald tried to come close to me as if he wanted to touch me.
- i. I told Donald Kirkland that I was not gay.
- j. I clocked in Thursday and went to work where Donald Kirkland was standing their like he had all week long.
- k. Donald saw me walking then he looked at me up and down smiling so I only said to him good morning.
- l. Donald told me that it looked like I had a nice day off with my sexy self and he tired to come close to me as if he wanted to touch me.
- m. I told Donald several times that I am not gay.
- n. I told him that he needed to get away from me with that gay stuff.
- o. I told Donald that I was going to talk to Human Resources.

- p. Donald looked around at me and laughed when I told him that I was going to talk to Human Resources.
- q. Donald Kirkland then asked me if I actually thought that they would believe me over him.
- r. Donald Kirkland said I have been working here for 28 years and other people have taken him to Human Resources, but he was still here.
- s. I talked to Amber Tate in Human Resources on July 30, 2020, about Donald Kirkland
- t. I also talked to Amber Tate in Human Resources on July 31, 2020, about Donald Kirkland.
- u. The Human Resources number that I contacted was 901 797-7914 when I reported Donald Kirkland.
- v. There will be no sexual harassment if Donald Kirkland was gotten rid of.
- w. Donald Kirkland is a sexual predator.
- x. I started working at 7:30 a.m. on April 16th.
- y. All employees went to the control room which we were told that Donald Kirkland was on vacation.
- z. Mrs. Mary Clark was telling us how to fill out paperwork and we went into the plant where we would be working and showed us what we would be doing.
- aa. They (Defendant) allowed us to visualize how the job works and after that we started to work the job on our own.
- bb. On Sunday April 19th, Donald Kirkland returned from his vacation.
- cc. Donald was the lead man over the employees to bring us to the office when he wanted to talk to us.

dd. The lead man is no longer employed at Fedex.

ee. We come to the control room where he was on his computer doing something.

ff. Donald started yelling at us saying that we weren't doing the job the way it's supposed to be done.

gg. Donald then gets off the computer which the three of us he came over and grabbed a seat next to me.

hh. Donald started to tell us how the job works and that we had a certain amount of time to put out each hour.

ii. At that time, I noticed Donald Kirkland's attention was on me and not the other employees.

jj. The other employees asked him about things that we might need.

kk. When the other employees asked Donald for gloves, back braces, instead of him talking to the employees he was looking at me up and down and smiling.

ll. Donald talked a bit longer than he told us to go back to work.

mm. After Sunday we are off work on Mondays, so I returned on 21st of April and I noticed that all through the day Donald Kirkland came to my work are watching me and looking ar me up and down.

nn. I looked back at Donald, and I was not comfortable with someone watching me, so he left and came back within 10 minutes.

oo. Donald then looked at me and winked and smiled at me and I continued to do my job.

pp. I was thinking what's wrong with this guy.

qq. On Thursday April 23, I was working in my area, and I heard someone calling my name Jerome, Jerome.

rr. I look up and it's Donald Kirkland and he said we need to go to the Office for a minute because there was a test that I had to take on the computer.

ss. We went to the computer and put my ID Number and password as I was taking the test he sat and watched me.

tt. I noticed Donald pulled his chair closer to mine, unit it got to the point where his leg was touching my leg.

uu. I moved my leg several times from his leg and his leg would still touch mine.

vv. It took me a lot longer to take the test because I was not comfortable with Donald Kirkland touching my leg and him being upon me.

ww. I finished the test and Donald informed me while smiling that I passed everything and that I could go back to work.

xx. Donald follows me to my work area when I came out the office.

yy. On Friday April 24, I was working in my area, and I noticed that Donald came to my work area and watched me for 8 or 9 minutes he came down to where I was working and he grab my arm and rubbed my hand and Donald said to me let me show you how this works.

zz. At that time, I pull my hand back and he said I will show you how to do this and how this works. I started doing my job and he put bags and boxes on the line. After working with me for about 10 minute he told me you are a quick learner, and you are doing good and he left.

aaa. Donald went back to his office and he continued to come to my work area and looked me up and down and this constantly happened week after week and month after month.

bbb. One day after taking this sexual harassment on Friday the 24th, I just got to the point where I was tired of being sexually harassed so he comes to my work area where I saw him watching me and I told him we need to talk.

ccc. I went up the stairs where he was, and I told him that with the harassment and sexual harassment I was not going to take it anymore and that I had to leave the work area because I can not work with him.

ddd. I told him we need to go to Human Resources and get me moved. Donald said to me where else did I want to go and I told him outside to clean up that I would go wherever to get away from him.

eee. Donald told me okay and that if I want to leave that we will go to HR tomorrow. The next day while I was working, I saw him talking to our new lead man Jerome. I looked up at Jerome and got his attention and pointed at Jerome.

fff. I told Jerome that I needed to talk to him. On June 11 Donald Kirkland came to me and called my name a couple of times smiling and laughing.

ggg. I am saying to myself what is this about so he takes me to the office in the control room. I asked him what was up and he said something popped up and that I had to take another test.

hhh. I told him this test was familiar and that I had taken it before so I took the test. It showed that I passed the test so he pulls his chair closer to mine so the next thing I know he grabbed my arm and rubbed my hand.

iii. Donald told me that I was a good worker and at that time I pulled my arm away from him and he told me that I work myself too hard.

jjj. Donald said that he had my back and that he was the Manager, so I was good. Donald told me that I was right that I did take the test before.

kkk. Jerome said go ahead and talk to her about my situation, so I go into the office and I introduced myself to her and she introduced herself to me. She began to ask me what's wrong.

lll. Donald Kirkland was in the room also. She asked me several times if I wanted to talk. I told her that I rather go to HR. She asked me if it would make me feel comfortable if Donald Kirkland leave the room.

mmm. She asked Donald to leave the room. I can tell how Donald looked that he did not like it when she asked him to leave.

nnn. So I said okay I will talk to you. She asked me what's going on out there with me an Donald Kirkland.

ooo. I told her he curses at me and other employees. He yells at us that we are not doing shit out there.

ppp. She knew about the harassment. I told her Donald came to where I was working and that I came upstairs to where he was, I told him if he forgot that we were going to Human Resources today and Donald said yeah yeah yeah.

qqq. Donald told me that we needed to talk to his Manager Barbara Thomas and that he had to make an appointment.

rrr. I again told him that I wanted to talk to Human Resources and that I did not want to talk to his Manager. He told me that he would talk to his Manager about me wanting to talk to Human Resources.

sss. Donald later in the evening told me that his Manager will talk with me in a day or two and I told him I rather talk to HR about this matter and not your Manager. Donald then walked off.

ttt. On Tuesday June 16, Donald came to my work are and told me to come up the stairs that he wanted to talk to me so I came up. Donald told me that his Manger Barbara Thomas was in the control room and she wanted to talk to me and I told her I would rather talk to someone in Human Resources.

uuu. I hesitated so the new lead man Jerome started talking to me and told me that she at Donald had been friends for over 20 years and she said to me to give her 2 weeks and she will fix the problem.

vvv. She said she would move me somewhere that I would not have any problems with my Manager or other employees.

www. When she told me that she and Donald were friends for 20 years I felt like I could not open up to her anymore because of their friendship. This was the same thing I told Amber Tate in HR.

xxx. After this Donald started harassing me in other ways so when Jerome the lead man was off on Tuesdays, he had other employees take his place in other Matrix and other places that took Jerome 's place. when he is off.

yyy. I see them talking as they look back at me. when he walks, they come to my work area standing over me yelling and hollering and that happened every time Jerome the lead man is off on Tuesday.

zzz. This young lady from the east matrix who was pregnant on two different occasions employees would come in at 9 some from the temporary agency, he told her to

move them somewhere else she came back and told me That she tried to give me some help. He told me both times to move them that I didn't need any help so she came back and said I do not know what going on with him and I said it's okay I know what's going on with him.

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: _____
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 490-2021-00721
Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (*check one*):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (*check one*):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I **received** on July 12, 2021
Date

NOTE: This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: _____

☐ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: \$ 300,000 For
emotional and mental distress

George Lowe
SIGNATURE OF PLAINTIFF

X Date: 10-1-0-2021

X P.O. Box 1382 West Memphis AR
Address 72303

X 901-335-4175
Phone Number